

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HENRY COUNTY)

Case No. 33S00-1302-MS- **142**

ORDER APPROVING AMENDED LOCAL RULES


The Judges of the Henry Circuit Court request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Henry Circuit Court, this Court finds that the proposed rule amendments, LR33-AR00-01 and LR33-AR-01-10 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR33-AR00-01 and LR33-AR-01-10 for Henry Circuit Court, set forth as an attachment to this Order, are approved effective retroactive to January 1, 2013. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Mary G. Willis, Henry Circuit Court 1, 1215 Race Street, #340, New Castle, IN 47362; the Hon. Bob A. Witham, Henry Circuit Court 3, 1215 Race Street, #220, New Castle, IN 47362; the Hon. Kit C. Dean Crane, Henry Circuit Court 2, 1215 Race Street, #320, New Castle, IN 47362; to the Clerk of the Henry Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Henry Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 19 day of February, 2013.


Robert D. Rucker
Acting Chief Justice of Indiana

IN THE HENRY COUNTY CIRCUIT COURTS

In the Matter of)
Local Court Rules)

NOTICE OF PROPOSED LOCAL RULE AMENDMENTS, FINDING GOOD CAUSE TO DEVIATE FROM ESTABLISHED SCHEDULE, AND REQUEST FOR SUPREME COURT APPROVAL

The judges of the Henry Circuit Courts give notice pursuant to Trial Rule 81(B) of proposed amendments to the local court rules on the Caseload Allocation Plan at **LR33-AR00-01** and on Criminal Case Assignment at **LR33-CP00-1**. We find good cause to deviate from the schedule for amending local rules, pursuant to Trial Rule 81(D). Notice has been given to the public by posting on the website of the Henry County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Henry County Bar Association. New language is indicated by underlining and deleted language is indicated by striking through.

Comments may be made until **February 10, 2013** to any of the judges of the Courts. These rule amendments will be **effective** on **January 1, 2013**. Indiana Supreme Court approval is required for the proposed amendments to the Caseload Allocation Plan.

ORDERED this 8th day of January, 2013 on behalf of the Judges of Henry County.

_____/S/_____
Mary G. Willis, Judge
Henry Circuit Court 1

LR33-AR00-01 COUNTY CASELOAD ALLOCATION PLAN

01-10 The Circuit Courts of Henry County have adopted a rule for criminal random filing (LR33-CP00-1). While it is the intent to allow the citizens and bar to have flexibility in filing all other types of cases, the Courts now adopt this rule setting forth certain limitations on filing in order to comply with Indiana Supreme Court Administrative Rule 1(E). This rule shall be subject to the family court rules in existence for filing and transfer of cases.

01-20 All small claims shall be filed in Circuit Court No. 3

01-30 All CHINS cases shall be filed in Circuit Court No. 1 along with 2/3 of all other miscellaneous juvenile matters with the remaining 1/3 of juvenile matters to be filed in Circuit Court 2. All Sex Offender Registry and Civil Cases filed by inmates at the New Castle Correctional Facility shall be filed in Circuit Court No. 2.

01-40 Dissolution of marriage and paternity actions shall be filed in Circuit Court No. 1 or Circuit Court No. 2. Pro-se dissolution of marriage actions shall be filed alternately in Circuit Court No. 1 and in Circuit Court No. 2. Paternity actions filed by the prosecuting attorney shall be filed in such a manner as to approximate an equal division of such cases between Circuit Court No.1 and Circuit Court No. 2.

01-50 Protective order actions shall be assigned by the Clerk in such a manner as to approximate a division of such cases between Circuit Court No. 1 and Circuit Court No. 2 except that protective orders involving cases where the parties in the protective order case are involved in a dissolution of marriage, paternity or prior protective order action in this county, the protective order case shall be filed in the same court where the dissolution, paternity or prior protective order case is pending. Existing protective order cases shall be transferred to the court where any dissolution of marriage or paternity action is later filed involving the same parties. If a protective order application is denied then all further applications for a protective order involving the same parties shall be filed in the same court and shall note on the application the cause number of the previously denied application.

01-60 The judges of Henry Circuit Courts shall meet at least annually for the purpose of reviewing the weighted caseload of each court or at any other time as may be necessary to comply with the orders of the Indiana Supreme Court.

LR33-CP00-1 CRIMINAL CASE ASSIGNMENT

All misdemeanor cases, Class D felonies pursuant to Title 9 and Class C felony Operating a Vehicle after lifetime suspension cases pursuant to I.C. 9-30-10-17 shall be filed in Henry Circuit Court No. 3.

All other Class D felonies shall be filed in Henry Circuit Court No. 2 except the following which shall be filed randomly in Circuit Court 1 and Circuit Court 2:

1. Neglect of a dependent and offenses against the family under I.C. 35-46-1-1 et. seq.
2. Felony non-support, I.C. 35-46-1-5
3. Welfare fraud, I.C. 35-43-5-7
4. Failure to Register as a Sex Offender, I.C. 5-2-12-9;
5. Theft, D Felony where value of property exceeds \$10,000.00, I.C. 35-43-4-2, and
6. Domestic Battery, I.C. 35-42-2-1.3

All Class A, B and other class C Felonies shall be filed randomly in Henry Circuit Court No. 1 or Henry Circuit Court No. 2. The case shall be assigned according to the highest class charge. Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court.

All homicide cases shall be filed alternately in Henry Circuit Court No. 1 and Henry Circuit Court No. 2. The first such homicide shall be filed in Henry Circuit Court No. 1 with the second in Henry Circuit Court No.2 alternating thereafter. The order of filing shall continue on an alternate basis according to the existing rule in effect prior to the adoption of these rules.

In the event that a filing in Henry Circuit Court No. 3 causes the Judge in that Court to believe that the matter cannot be tried within 3 days or less, then that Judge shall have the option of causing that case to be reassigned to either Henry Circuit Court No. 1 or Henry Circuit Court No. 2. The case to be reassigned will be sent to the Henry County Clerk's office for reassignment based upon the random manner set forth herein.

The Henry County Clerk shall maintain a lottery system using pieces of paper or other devices by which certain designations for Henry Circuit Court No. 1 and Henry Circuit Court No. 2 shall be placed thereon. The Clerk shall cause an equal number of pieces of paper or other devices to be placed in a container. At the time a case is filed or reassigned requiring that the Court be selected randomly, the Clerk or the Clerk's representative shall pull out of the container one piece of paper or other device and assign the case to the Court designated on the paper or other device pulled out by the Clerk or the Clerk's representative. Due to the random nature of such a system, it may become necessary for the undersigned Judges to adjust the number of pieces of paper or devices in the Clerk's container.

Once a case has been assigned in accordance with the provisions set out herein, the case cannot be assigned to another judge by dismissal and refile if the second filing is based on the same underlying incident.